

Environmental Protection Agency  
 Region IX  
 100 California Street  
 San Francisco, California 94111

CERTIFIED MAIL 936890  
 RETURN RECEIPT REQUESTED

Mr. William H. Lewis, Jr.  
 Executive Officer  
 California Air Resources Board  
 1709 - 11th Street  
 Sacramento CA 95814

In Reply E-3-1  
 Refer to: ENF-1106, 1206

MAY 12 1976

Dear Mr. Lewis:

This is in response to your letter of May 3, 1976 requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Madera County Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Madera County Air Pollution Control District, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control District and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Madera County Air Pollution Control District as of the date of this letter as follows:

- A. Authority for twelve categories of new sources located in the Madera County Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as in effect November 12, 1974. The categories of new sources covered by the delegation are small fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

CONCURRENCES

SYMBOL	CD	MW	Q 2	TUS	W. R. D. P. S.	Cem. etc.
SURNAME	KATZ	Seeley	Eckert, M. J.	STumph	R. P. D.	P. D. F.
DATE	5/11/76	5/11/76	5/11/76	5/11/76	5/12/76	5-12-76

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D. Authority for all sources located in the Madera County Air Pollution Control District subject to the national emission standards for three hazardous air pollutants promulgated in 40 CFR Part 61 as in effect November 12, 1974. The hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Madera County Air Pollution Control District through the State of California Air Resources Board.
2. Enforcement of the NSPS and NESHAPS in the Madera County Air Pollution Control District will be the primary responsibility of the District and the State of California Air Resources Board. If the District and the State determine that such enforcement is not feasible and so notify EPA, or where the District or the State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the District subject to the NSPS and NESHAPS.
3. Acceptance of this delegation of NSPS and NESHAPS does not commit the State of California and the Madera County Air Pollution Control District to request or accept delegation of future standards and requirements. However, delegation of additional NSPS or NESHAPS standards or requirements, not hereby delegated would require a new request for delegation.

4. The State of California and the Madera County Air Pollution Control District are not requesting delegation of authority over Federal facilities within the District which are subject to the NSPS and NESHAPS. However, this does not relieve Federal facilities of the responsibility of complying with all applicable State laws and Madera County District regulations.
5. The Madera County Air Pollution Control District will at no time grant a variance from compliance with Madera County District Rule 422 and 423 except as provided in this paragraph. Should the District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the District shall also constitute grounds for revocation of delegation by EPA. However, if the Madera County District in the future amends Rule 422 and 423 so as to make the District regulation more stringent than the applicable Federal regulation, the District may grant variances from the more stringent District regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable Federal regulations.
6. The Madera County Air Pollution Control District will utilize only the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to their NSPS and NESHAPS regulations. Any use of the District of test methods to determine compliance with NSPS or NESHAPS not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.

7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Madera County Air Pollution Control District and regarding interpretation of applicable regulations.

8. If at any time there is a conflict between a State or Madera County Air Pollution Control District regulation and a Federal regulation (40 CFR Part 60 or 61) the Federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or the District determine that it is unwilling or unable to apply the more stringent Federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

9. If the Regional Administrator determines that a State or Madera County Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

10. As of the date of this delegation, sources subject to the NSPS or NESHAPS located within the Madera County Air Pollution Control District are required to submit all reports pursuant to the NSPS and NESHAPS to the Madera Air Pollution Control District and to EPA, Region IX.

- 11. The State of California and the Madera County Air Pollution Control District will notify all sources in the categories delegated herein and subject to continuous monitoring requirements contained in 40 CFR Part 60 of such requirements even if such requirements are not covered by the terms of this delegation.

A Notice announcing this delegation will be published in the Federal Register in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the Madera County Air Pollution Control District shall be submitted to the Air Pollution Control District Office at 135 W. Yosemite Avenue, Madera, CA 93637, as well as to EPA, Region IX.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State and District will be deemed to have accepted all of the terms of the delegation.

Sincerely,

Original signed by:  
Paul De Falco, Jr.

**Paul De Falco, Jr.**  
**Regional Administrator**

cc: Madera County APCD

bc: S-1  
A-1  
DSSE

Reading file  
GKatz/jyc 5/6/76  
Stored 1-5  
Revised: 5/11/76jc

MVA IS 3 8 1976